

Defendant.

Filed February 24, 2010

The Court further notes that the February 22, 2010 scheduling order was not intended to provide an exhaustive list of items to be included in the administrative record. Instead, the order was intended to make clear that, at this time, the Court perceives two legal issues raised by the parties. The first is whether plaintiff's complaint constitutes a bid protest action within this Court's jurisdiction. That issue, the Court understands, will be briefed in defendant's motion to dismiss. The second issue, to which the administrative record is relevant, is whether the United States Air Force ("Air Force") violated 48 C.F.R. § 17.207 when it exercised the options at issue in this bid protest. The administrative record should contain all materials relevant to that issue. The administrative record should not be limited to materials relevant to whether the Air Force

should have exercised options on plaintiff's contract instead of the contracts of other companies, but instead, should include all materials relevant to whether the exercise of any options under the circumstances at issue in this case was in accordance with the law.

IT IS SO ORDERED.

s/ George W. Miller
GEORGE W. MILLER
Judge